

SENATE BILL 600

E2

1lr1691

By: **Senator Smith**

Introduced and read first time: January 29, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 17, 2021

CHAPTER _____

1 AN ACT concerning

2 ~~Office of the Attorney General~~ **Maryland Police Accountability Act of 2021 –**
3 **Office of the State Prosecutor – Investigation and Prosecution of Deaths Caused**
4 **by Police Officers**

5 FOR the purpose of requiring a ~~certain law enforcement agency to notify the Office of the~~
6 ~~Attorney General of a certain incident involving the death of a person caused by a~~
7 ~~police officer at a certain time; requiring the Attorney General to investigate certain~~
8 ~~incidents involving the death of a person caused by a police officer; requiring the~~
9 ~~Attorney General to transmit a certain report to a certain State's Attorney at a~~
10 ~~certain time; requiring a certain State's Attorney to notify the Attorney General~~
11 ~~whether the State's Attorney intends to prosecute a certain case at a certain time~~
12 ~~under certain circumstances; requiring the Attorney General to prosecute a certain~~
13 ~~police officer under certain circumstances~~ certain State's Attorney to provide a
14 certain investigatory file and certain information to the Office of the State Prosecutor
15 under certain circumstances; authorizing the State Prosecutor to prosecute a certain
16 law enforcement officer for certain offenses under certain circumstances; authorizing
17 a certain prosecution to include certain crimes under certain circumstances;
18 establishing the Task Force on Independent Investigations Involving Deaths Caused
19 by Law Enforcement Officers; providing for the composition, chair, and staffing of
20 the Task Force; prohibiting a member of the Task Force from receiving certain
21 compensation, but authorizing the reimbursement of certain expenses; requiring the
22 Task Force to develop a certain blueprint for independent investigation of certain
23 incidents and make certain recommendations; requiring the Task Force to report its
24 findings and recommendations to the Governor and the General Assembly on or
25 before a certain date; defining a certain ~~terms~~ term; providing for the termination of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



a certain provision; and generally relating to the Office of the ~~Attorney General~~ State
Prosecutor.

~~BY adding to~~
~~Article – Public Safety~~
~~Section 3–523~~
~~Annotated Code of Maryland~~
~~(2018 Replacement Volume and 2020 Supplement)~~

BY adding to
Article – State Government
Section 6–106.2
Annotated Code of Maryland
(2014 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

~~Article – Public Safety~~

~~3–523.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.~~

~~(2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §
3–201 OF THIS TITLE.~~

~~(3) “POLICE OFFICER” HAS THE MEANING STATED IN § 3–201 OF THIS
TITLE.~~

~~(B) A LAW ENFORCEMENT AGENCY SHALL NOTIFY THE OFFICE OF THE
ATTORNEY GENERAL OF ANY ALLEGED OR POTENTIAL INCIDENT INVOLVING THE
DEATH OF A PERSON CAUSED BY A POLICE OFFICER AS SOON AS THE LAW
ENFORCEMENT AGENCY BECOMES AWARE OF THE INCIDENT.~~

Article – State Government

6–106.2.

(A) IN THIS SECTION, “POLICE OFFICER” HAS THE MEANING STATED IN §
3–201 OF THE PUBLIC SAFETY ARTICLE.

~~(B) THE ATTORNEY GENERAL SHALL INVESTIGATE ALL ALLEGED OR
POTENTIAL INCIDENTS INVOLVING THE DEATH OF A PERSON CAUSED BY A POLICE
OFFICER.~~

~~(C) (1) WITHIN 15 DAYS AFTER COMPLETING AN INVESTIGATION
REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE ATTORNEY GENERAL
SHALL TRANSMIT A CONFIDENTIAL REPORT TO THE STATE'S ATTORNEY OF THE
COUNTY THAT HAS JURISDICTION TO PROSECUTE THE MATTER THAT:~~

~~(I) CONTAINS DETAILED INVESTIGATIVE FINDINGS; AND~~

~~(II) INDICATES THAT:~~

~~1. THE ATTORNEY GENERAL FINDS THAT A CRIME HAS
OCCURRED AND THAT PROSECUTION OF THE MATTER IS RECOMMENDED;~~

~~2. THE ATTORNEY GENERAL FINDS THAT A CRIME HAS
NOT OCCURRED; OR~~

~~3. THE ATTORNEY GENERAL DOES NOT RECOMMEND
PROSECUTION.~~

~~(2) (I) IF THE ATTORNEY GENERAL RECOMMENDS PROSECUTION
OF THE POLICE OFFICER FOR A VIOLATION OF TITLE 2 OF THE CRIMINAL LAW
ARTICLE, WITHIN 45 DAYS OF RECEIVING THE REPORT UNDER THIS SUBSECTION,
THE STATE'S ATTORNEY SHALL NOTIFY THE ATTORNEY GENERAL WHETHER THE
STATE'S ATTORNEY INTENDS TO PROSECUTE THE CASE.~~

~~(II) IF THE ATTORNEY GENERAL RECOMMENDS PROSECUTION
AND THE STATE'S ATTORNEY DECLINES TO PROSECUTE THE CASE OR FAILS TO
NOTIFY THE ATTORNEY GENERAL AS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS
PARAGRAPH, THE ATTORNEY GENERAL SHALL PROSECUTE THE POLICE OFFICER.~~

(B) FOR EACH POTENTIAL INCIDENT INVOLVING THE DEATH OF A PERSON
CAUSED BY A POLICE OFFICER, THE STATE'S ATTORNEY HAVING JURISDICTION TO
PROSECUTE THE MATTER SHALL TRANSMIT A COPY OF THE INVESTIGATORY FILE
AND ANY OTHER RELEVANT INFORMATION TO THE OFFICE OF THE STATE
PROSECUTOR WITHIN 10 DAYS AFTER THE STATE'S ATTORNEY'S DECISION TO NOT
PROSECUTE THE LAW ENFORCEMENT OFFICER FOR A VIOLATION OF TITLE 2 OF THE
CRIMINAL LAW ARTICLE.

(C) IF, AFTER CONDUCTING A REVIEW OF THE INVESTIGATORY FILE AND
COMPLETING ANY ADDITIONAL INVESTIGATION, THE STATE PROSECUTOR

DETERMINES THAT A PROSECUTION UNDER TITLE 2 OF THE CRIMINAL LAW ARTICLE IS APPROPRIATE, THE STATE PROSECUTOR MAY PROSECUTE THE OFFICER.

(D) IF THE ~~ATTORNEY GENERAL~~ STATE PROSECUTOR PROSECUTES A POLICE OFFICER FOR A VIOLATION OF TITLE 2 OF THE CRIMINAL LAW ARTICLE UNDER THIS SECTION, THE PROSECUTION MAY INCLUDE ANY OTHER CRIMES ARISING FROM THE SAME SET OF FACTS AND CIRCUMSTANCES.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force on Independent Investigations Involving Deaths Caused by Law Enforcement Officers.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the Attorney General, or the Attorney General's designee;

(4) the State Prosecutor, or the State Prosecutor's designee;

(5) the President of the Maryland State's Attorneys' Association, or the President's designee; and

(6) the Superintendent of State Police, or the Superintendent's designee.

(c) The Task Force shall elect the chair of the Task Force.

(d) The Governor's Office of Crime Prevention, Youth, and Victim Services shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

1 (1) develop a blueprint for the independent investigation of potential
2 incidents involving the death of a person caused by a police officer; and

3 (2) make recommendations regarding the establishment of an independent
4 agency responsible for investigating incidents involving the death of a person caused by a
5 police officer in the State.

6 (g) On or before December 31, 2021, the Task Force shall report its findings and
7 recommendations to the Governor and, in accordance with § 2-1257 of the State
8 Government Article, the General Assembly.

9 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 ~~October~~ June 1, 2021. Section 2 of this Act shall remain effective for a period of 1 year and
11 1 month and, at the end of June 30, 2022, Section 2 of this Act, with no further action
12 required by the General Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.